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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

PETER JAY GERBER AND MIRIAM  
GOLDBERG,

Plaintiffs,

vs.

BAYER CORPORATION AND BAYER  
HEALTHCARE PHARMACEUTICALS,  
INC.; BMC DIAGNOSTICS, INC.;  
CALIFORNIA PACIFIC MEDICAL  
CENTER; GENERAL ELECTRIC  
COMPANY; GE HEALTHCARE, INC.; GE  
HEALTHCARE BIO-SCIENCES CORP.;  
McKESSON CORPORATION; MERRY X-  
RAY CHEMICAL CORP.; and DOES 1  
through 35

Defendants.

Case No: 3:07-cv-05918-JSW

**DECLARATION OF DEBRA DECARLI IN  
SUPPORT OF MOTION FOR REMAND**

Date: January 11, 2008  
Time: 9:00 a.m.  
Courtroom: 2

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1 I, Debra DeCarli, declare as follows:

2 1) I am an attorney licensed to practice before this Court and associated with the law firm  
3 of Levin Simes Kaiser & Gornick LLP, attorneys of record for Plaintiffs in this matter. I have  
4 personal knowledge of the facts set forth below, and would competently testify thereto if called upon  
5 to do so.

6 2) All Defendants were served on October 26, 2007. True and correct copies of the proofs  
7 of service are attached hereto as Exhibit A.

8 3) I obtained the September 12, 2007 warning letter sent by Defendants G.E. and Bayer to  
9 Healthcare Professionals from the FDA website. A true and correct copy of the letter is attached  
10 hereto as Exhibit B.

11 4) I obtained "GE Healthcare Position Paper on NSF September 2007" from GE's  
12 website. A true and correct copy of the position paper is attached hereto as Exhibit C.

13 5) I telephoned the Clerk's office of the Judicial Panel on Multidistrict Litigation on  
14 November 26, 2007. I asked if the motion to create a gadolinium MDL had been set for hearing. I  
15 was informed that nothing related to gadolinium has been calendared. I also asked when the hearing  
16 would likely occur. I was informed that the hearing would occur no earlier than mid-January 2008.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed this 3<sup>rd</sup> day  
18 of December 2007 in San Francisco, CA.

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20 s/ Debra DeCarli  
21 Debra DeCarli, Esq.  
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